

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

**WILENTZ, GOLDMAN & SPITZER, P.A.**

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In re:

BED BATH & BEYOND INC., *et al.*,  
  
Debtors.<sup>1</sup>

Chapter 11

Case No. 23-13359 (VFP)

(Jointly Administered)

**SUPPLEMENTAL CERTIFICATION OF MICHAEL A. ZIMMERMAN IN  
SUPPORT OF MOTION FOR AN ORDER MODIFYING THE AUTOMATIC  
STAY AND PLAN INJUNCTION TO ALLOW MOVANT TO CONTINUE  
PENDING LITIGATION AGAINST THE DEBTOR AND RECOVER SOLELY  
AGAINST DEBTOR'S INSURER, WAIVING THE PROVISIONS OF FED. R.  
BANKR. P. 4001 (a)(3) AND FOR RELATED RELIEF**

I, Michael A. Zimmerman, of full age, upon his oath deposes and says as follows:

1. I am an attorney at law of the State of Texas and am a partner of The Zimmerman Law Firm P.C., which is acting as Texas counsel for Alfred Zeve ("Movant" or "Zeve"), a personal injury claimant with respect to injuries sustained at a retail store owned and operated by Bed Bath and Beyond, Inc. d/b/a Bed Bath & Beyond (the "Debtor").

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<sup>1</sup> The last four digits of Debtor Bed Bath & Beyond Inc.'s tax identification number are 0488. A complete list of the Debtors in these Chapter 11 Cases and each such Debtor's tax identification number may be obtained on the website of the Debtors' claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>. The location of Debtor Bed Bath & Beyond Inc.'s principal place of business and the Debtors' service address in these Chapter 11 Cases is 650 Liberty Avenue, Union, New Jersey 07083.

2. In preparing this Supplemental Certification, I reviewed and relied upon the State Court (defined below) docket and the assistance and support of my law firm's staff in assembling the information. The information contained herein is accurate and true to the best of my knowledge, information and belief.

3. Zeve suffered substantial personal injuries from a slip and fall accident which occurred at a retail store located at 13910 Dallas Parkway in Dallas, Texas which was owned and operated by the Debtor.

4. On February 10, 2023, prior to the commencement of this bankruptcy case, Zeve filed a lawsuit styled as Alfred Zeve v. Bed, Bath & Beyond, Inc. d/b/a Bed, Bath & Beyond, pending in the District Court of Dallas County, Texas, 101<sup>st</sup> Judicial District (the "State Court") under Docket Number DC-23-01958 (the "State Court Action").

5. On April 25, 2023, the Debtor filed a Suggestion of Bankruptcy in the State Court Action, advising the State Court that the Debtor had filed a voluntary Chapter 11 petition on April 23, 2023, thereby triggering the automatic stay provisions contained in 11 U.S.C. § 362 (a). Despite the service of a Suggestion of Bankruptcy in the State Court Action, the Debtor never listed Zeve as a creditor in its Schedules and Statement of Financial Affairs as required by Fed. R. Bankr. P. 3003 (b)(1) and, thus, notice of the Bar Date was never provided to Zeve.

6. Despite this lack of notice, our office filed a Proof of Claim for Zeve as a place marker, which set forth an initial estimate of personal injury damages and economic loss. Said damages were preliminary in nature due to the fact that Zeve is still receiving underlying treatment for his injuries.

7. Given the fact that Zeve was not provided with good and sufficient notice of the Bar Date to file a claim, as well as the fact that the General Liability Policy issued by Security

National Casualty Corporation was intended to protect someone in Zeve's position, Zeve requests relief from the Automatic Stay so that he may conclude the State Court Action, thereby establishing his personal injury damages and economic loss claims, and thereafter recover such claims solely against the Debtor's General Liability Policy.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 22, 2024



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Michael A. Zimmerman